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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.

10/760,264 01/21/2004 Kia Silverbrook RRA11US 1034

24011 7590 03/16/2007
SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, 2041
AUSTRALIA

Table with 1 column: EXAMINER

FIDLER, SHELBY LEE

Table with 2 columns: ART UNIT, PAPER NUMBER

2861

Table with 3 columns: SHORTENED STATUTORY PERIOD OF RESPONSE, MAIL DATE, DELIVERY MODE

3 MONTHS 03/16/2007 PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

<b>Application No.</b> 10/760,264	<b>Applicant(s)</b> SILVERBROOK, KIA	
<b>Examiner</b> Shelby Fidler	<b>Art Unit</b> 2861	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 27 December 2001.
- 2a)  This action is **FINAL**.                      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-4 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a)  All    b)  Some \*    c)  None of:
- Certified copies of the priority documents have been received.
  - Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Responsive Office Action*

This Office Action is responsive to amendments/remarks filed 12/27/2006.

### *Double Patenting*

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1 and 2 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 10 and 11 of copending Application No. 10/760254 in view of Feinn et al. (US 6428145 B1).

#### **Regarding claim 1:**

**Claim 10 of copending Application 10/760254** discloses a printer cartridge for an inkjet printer including a printing fluid storage; and a pagewidth printhead in communication with the printing fluid storage; wherein a first electrical connector is provided in electrical

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communication with the pagewidth printhead and disposed adjacent a first end of the pagewidth printhead for mating with a first corresponding connector of the inkjet printer.

**Claim 10 of copending Application 10/760254 does not expressly disclose that that printhead has an elongate array of nozzles such that in use the elongate array extends transverse to the media feed direction; and that the first electrical connector is capable of engaging the first corresponding connector with a contact force that is parallel to the longitudinal extend of the elongate array of nozzles.**

**However, Feinn et al. discloses a printhead (printhead assembly 12) that has an elongate array of nozzles such that in use the elongate array extends transverse to the media feed direction (Figs. 1 and 2); and that a first electrical connector (left-most I/O pin 62 of Fig. 5) is capable of engaging a first corresponding connector with a contact force that is parallel to the longitudinal extend of the elongate array of nozzles (col. 6, lines 2-10 state that the I/O pins 62 engage with corresponding I/O receptacles; a contact force that is parallel to the longitudinal extend of the elongate array of nozzle is inherent to this connection since this pin-to-receptacle electrical connections are known to provide "snug" fittings that require forces in all directions).**

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to utilize I/O pins, such as those disclosed by Feinn et al., into the invention of Claim 10 of copending Application 10/760254. The motivation for doing so, as taught by Feinn et al., is to electrically couple the printhead with an electronic controller (col. 6, lines 5-10).

**Regarding claim 2:**

**Claim 11 of copending Application 10/760254 discloses a second electrical connector is provided in electrical communication with the pagewidth printhead and disposed adjacent a**

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second end of the pagewidth printhead for mating with a second corresponding connector of the inkjet printer.

**Claim 11 of copending Application 10/760254 does not disclose that the second electrical connector engages the second corresponding connector with a contact force that is parallel to the longitudinal extend of the elongate array of nozzles.**

**However, Feinn et al. disclose that a second electrical connector (right-most I/O pin 62 of Fig. 5) is capable of engaging a first corresponding connector with a contact force that is parallel to the longitudinal extend of the elongate array of nozzles (col. 6, lines 2-10 state that the I/O pins 62 engage with corresponding I/O receptacles; a contact force that is parallel to the longitudinal extend of the elongate array of nozzle is inherent to this connection since this pin-to-receptacle electrical connections are known to provide "snug" fittings that require forces in all directions).**

This is a provisional obviousness-type double patenting rejection.

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Feinn et al. (US 6428145 B1).

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**Regarding claim 1:**

Feinn et al. disclose a printer cartridge (inkjet cartridge; col. 4, lines 45-47) for an inkjet printer for printing onto a sheet of media fed through the printer in a media feed direction, the printer cartridge comprising:

printing fluid storage (reservoir 15 of ink supply assembly 14);

a pagewidth printhead (printhead assembly 12) in fluid communication with the printing fluid storage (col. 4, lines 34-35), the pagewidth printhead having an elongate array of nozzles (Fig. 2) such that in use the elongate array extends transverse to the media feed direction (col. 5, lines 48-50); and

a first electrical connector (left-most I/O pin 62 of Fig. 5) in electrical communication with the printhead (col. 7, lines 11-15) and disposed adjacent a first end of the elongate array of nozzles of the pagewidth printhead (left-most end of printhead assembly 12 in Fig. 5) for mating with a first corresponding connector of the inkjet printer (col. 6, lines 2-10); wherein

during use, the first electrical connector engages the first corresponding connector with a contact force that is parallel to the longitudinal extend of the elongate array of nozzles (col. 6, lines 2-10 state that the I/O pins 62 engage with corresponding I/O receptacles; a contact force that is parallel to the longitudinal extend of the elongate array of nozzle is inherent to this connection since this pin-to-receptacle electrical connections are known to provide "snug" fittings that require forces in all directions).

**Regarding claim 2:**

Feinn et al. also disclose that the printer cartridge includes a second electrical connector (right-most I/O pin 62 of Fig. 5) disposed adjacent a second end of the elongate array of nozzles

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of the pagewidth printhead (right-most end of printhead assembly 12 in Fig. 5) for mating with a second corresponding connector of the inkjet printer (col. 6, lines 2-10); wherein

during use, the second electrical connector engages the second corresponding connector with a contact force that is parallel to the longitudinal extend of the elongate array of nozzles (col. 6, lines 2-10; see reasoning from claim 1).

**Regarding claim 3:**

Feinn et al. also disclose that the printing fluid storage (15), pagewidth printhead (12) and first and second electrical connectors (62) are attached to a body of the printer cartridge (col. 4, lines 45-47 and Figs. 1 and 6).

**Regarding claim 4:**

Feinn et al. disclose a printer cartridge (inkjet cartridge; col. 4, lines 45-47) for an inkjet printer for printing onto a sheet of media fed through the printer in a media feed direction, the printer cartridge comprising:

an elongate body (col. 4, lines 45-47 and Figs. 1 and 6) including printing fluid storage (reservoir 15 of ink supply assembly 14) and adapted to be received within the inkjet printer such that, in use, the elongate body extends transverse to the media feed direction (col. 5, lines 34-37 and Fig. 1);

a pagewidth printhead (printhead assembly 12) attached to the body (col. 4, lines 45-47) and in fluid communication with the printing fluid storage (col. 4, lines 33-34); and

first and second electrical connectors (left-most and right-most I/O pins 62 in Fig. 5) in electrical communication with the printhead (col. 7, lines 11-15), the first and second connectors attached to the elongate body and disposed adjacent opposite ends of the pagewidth printhead

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(Fig. 5) for mating with corresponding first and second electrical connectors of the inkjet printer (col. 6, lines 2-10); wherein

during use, the first and second electrical connectors engage the corresponding first and second electrical connectors of the inkjet printer with a contact force that is parallel to the longitudinal extend of the elongate body (col. 6, lines 2-10 state that the I/O pins 62 engage with corresponding I/O receptacles; a contact force that is parallel to the longitudinal extend of the elongate array of nozzle is inherent to this connection since this pin-to-receptacle electrical connections are known to provide "snug" fittings that require forces in all directions).

#### *Response to Arguments*

Applicant's arguments with respect to claims 1 and 4 have been considered but are moot in view of the new ground(s) of rejection. Please see the above rejection to Feinn et al., which discloses first and second electrical connectors engaging corresponding first and second electrical connectors of the inkjet printer with a contact force that is parallel to the longitudinal extend of the elongate body.

#### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until



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after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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*Communication with the USPTO*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelby Fidler whose telephone number is (571) 272-8455. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Luu can be reached on (571) 272-7663. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Shelby Fidler* 3/7/2007

Shelby Fidler  
Patent Examiner  
AU 2861



**MATTHEW LUU**  
**PRIMARY EXAMINER**